

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 12, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Bernie Heier
Deb Schorr

Commissioners Absent: Larry Hudkins, Vice Chair
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:34 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
FEBRUARY 5, 2004**

MOTION: Schorr moved and Heier seconded approval of the Staff Meeting minutes of February 5, 2004.

Heier noted that the Board directed Don Killeen, County Property Manager, to notify Steve Rowoldt, Adult Probation, that the County would like Adult Probation to move its offices out of the Adult Detention Facility, as soon as possible and to pursue relocation of those offices to the 233 Building (See Item 12B) and suggested that it might be more appropriate for the notification to come directly from the Board.

ROLL CALL: Schorr, Heier and Stevens voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. County Audit Letter (Exhibit A)

- B. Nebraska Emergency Management Grant Workshop (February 17, 2004)
- C. Domestic Violence Grant (Exhibit B)
- D. Lincoln Partnership for Economic Development (LPED) Funding Contribution
- E. Tour of Community Blood Bank Building (2966 "O" Street) and Attention Center for Youth Building (2220 South 10th Street)

MOTION: Heier moved and Schorr seconded approval of the additions to the agenda. Heier, Schorr and Stevens voted aye. Motion carried.

3 COMMISSIONER MEETING REPORTS

- A. Area 5 Agricultural and Horticultural Land Valuation Board (AHLVB) - Hudkins

No report.

- B. Board of Health - Hudkins

No report.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit C).

Kerry Eagan, Chief Administrative Officer, agreed to testify on LB 1195 (Change provisions relating to subdivision plats and county zoning).

Dean Settle, Community Mental Health Center Director, appeared and said Governor Johanns has asked each of the mental health regions to come up with a response plan to the proposed closure of regional mental health centers in Norfolk and Hastings.

Mike Thurber, Corrections Director, appeared and requested authorization to work towards building a coalition to eliminate the following provision in Nebraska Revised Statute § 29-2412 (Fine and costs; non payment; commutation upon confinement; credit; amount):

Any person held in custody for non-payment of a fine or costs or for default on an installment shall be entitled to a credit on the fine, costs or installment of sixty dollars for each day so held.

The Board authorized Thurber to proceed.

5 A) COMMUNITY CORRECTIONS UPDATE; AND B) HIRING REQUEST - Kim Etherton, Community Corrections Director

A) Community Corrections Update

Kim Etherton, Community Corrections Director, gave an overview of the Community Service and Court Reminder Programs (Exhibit D), noting efforts to work out time calculation and sentencing issues with Corrections. She said the District Court has expressed interest in establishing a similar program.

The Board asked Etherton to give a presentation on the Community Service Program at a Management Team Meeting.

B) Hiring Request

Etherton requested authorization to hire a Clinician I.

MOTION: Schorr moved and Heier seconded approval of the request. Heier, Schorr and Stevens voted aye. Motion carried.

6 COUNTY SPECIAL PERMIT NO. 205, MOTOCROSS RECREATION FACILITY AT 9600 KOLBROOK ROAD - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, reviewed County Special Permit No. 205, a request from Dr. David Samani for authority to construct and operate a recreational facility for an off-road riding club on property at Southwest 84th Street and Kolbrook Road (Exhibits E, F & G), noting a staff recommendation of conditional approval. He said attorneys for the applicant and neighbors in opposition have proposed additional conditions, with no consensus reached. The Planning Commission has recommended denial.

In response to a question from Schorr, DeKalb said the key issue is noise. Other issues include runoff, air pollution, waste facilities, medical response time, roads, traffic and hours of operation. DeKalb said the Lincoln-Lancaster County Health Department has taken noise readings and recommends that noise be restricted to 50 decibels (dB) at the complaining property line, the lowest acceptable level in Lincoln Municipal Code 8.24 Noise Control Ordinance (Lancaster County does not have a noise ordinance).

Heier asked whether the property is in the flight path for the Lincoln Municipal Airport.

DeKalb said it is not in the approach or noise zones, but is located within turning movements for airplanes lining up for the airport.

The following documents were disseminated: 1) Letter from the applicant indicating activity at the motocross track has been limited to friends and family, with no intent to expand into a commercial venture and detailing efforts to work with opponents, including an offer to refrain from operating the track when the Audubon Society is holding special events at Spring Creek Prairie (located one and a tenth mile south of the track); and 2) County Attorney's opinion regarding classification of motocross track as a recreational facility under County Zoning Regulations (Exhibit G & H).

The Board requested traffic counts from the County Engineer on the paved spur that runs from Denton, Nebraska to Highway 33 and county roads in the area and a train count on the Burlington Northern/Santa Fe Railroad line that is one mile west of the project. The Board also asked that Gary Walsh, Senior Environmental Health Engineer at the Lincoln-Lancaster County Health Department; be present at the public hearing on February 24, 2004 to answer questions.

Schorr exited the meeting at 9:57 a.m. to attend a press conference.

Also present were: Dr. David Samani; Mark Hunzeker, attorney for the applicant; Kent Seacrest, attorney for neighbors in opposition; Dick Doll, 10405 S.W. 84th Street and David Cochran., 9500 S.W. 84th Street.

**7 A) JAIL DIVERSION GRANT UPDATE; B) CLAIM FOR REVIEW;
AND C) SERVICELINC CONTRACT - Dean Settle, Community Mental
Health Center (CMHC) Director**

A) Jail Diversion Grant Update

Travis Parker, Mental Health Jail Diversion Project Director, gave an overview of the Lancaster County Mental Health Jail Diversion Project.

Betty Glanz, Intensive Case Manger, discussed services provided to consumers of Mental Health Jail Diversion.

Herb and Doug, consumers, discussed how the program has benefitted them.

Pat Talbott and Kent Knisely, Peer Specialists, discussed the role of Peer Specialists within the project.

Schorr returned to the meeting at 10:29 a.m.

Kimberley Mundil, Mental Health Clinician I/Project Coordinator, discussed screening processes (Exhibit J).

Jim Addy and Sarah Dixon, State Public Policy Group, presented project statistics and the evaluation component (Exhibit K).

B) Claim for Review

Dean Settle, Community Mental Health Center (CMHC) Director, reviewed a claim for payment (PV 784-8798) to Mary Paine, PhD in the amount of \$1,690 (includes payment for 15 hours of grant review and revision which totals \$975 and is not a covered service under contract C-03-0313). He said Dr. Paine's clinical expertise was needed to write and review the grant that was submitted to the United States Department of Justice to expand CMHC's community-based Sex Offender Treatment Program and said there are sufficient funds in Paine's contract to cover the expense.

Kristy Mundt, Deputy County Attorney, said Paine's contract could be amended to address the additional services.

The Board scheduled a contract amendment on the February 17, 2004 Board of Commissioners Meeting agenda.

C) ServiceLinc Contract

Settle reviewed an agreement with ServiceLinc for employment services for eight individuals with serious mental disorders referred to them by the Lancaster County Community Mental Health Center, noting the referral was made prior to Vocational Rehabilitation's cancellation of its contract. He said the program, which assists individuals that have never worked before, has had limited success and will not continue beyond these placements.

8 WILDERNESS PARK EASEMENTS - Steve Masters, City Public Works/Utilities; Terry Genrich, Parks & Recreation Natural Resources Manager

Steve Masters, City Public Works/Utilities, gave an overview of present and upcoming utility pipeline projects that impact the County and Wilderness Park and easement requirements (Exhibit L).

Terry Genrich, Parks & Recreation Natural Resources Manager, said his department has been part of the process from the beginning. He said the Lincoln-Lancaster County Ecological Advisory Committee (EAC) and environmental groups have also been briefed.

Stevens asked whether the planned closure of Old Cheney Road at Highway 77 will have an impact on the trunk sewer line.

Masters said it shouldn't, but said his department will need to look at how it will have access to the pipeline.

Stevens noted the plans to run a water distribution line down South Folsom Street and asked whether the area would then be subject to annexation.

Masters said it could.

The Board asked Masters to provide them with annual updates on the projects.

Also in attendance were: Clint Thomas, City Real Estate Agent; Deb Byrne and Gary Thalken, Sanitary Engineering; and John Olsson, Olsson Associates.

9 UNIFORM PLUMBING, HEATING, COOLING AND VENTILATING CODES - Mike Merwick, Building & Safety Director; Chuck Zimmerman, Plan Review Manager; Ron Peery, Inspections and Enforcement Manager; Kristy Mundt, Deputy County Attorney

Ron Peery, Inspections and Enforcement Manager, reviewed revisions to the Uniform Plumbing, Heating, Cooling and Ventilating Codes asked whether the Board would like to proceed with the licensing component.

Mike Merwick, Building & Safety Director, noted that the Board had provided unlicensed contractors a two year window in which to get licensed and said none of them have done so.

Board consensus was to schedule a public hearing on adoption of the codes, with the licensing requirements, on the February 17, 2004 Board of Commissioners Meeting agenda.

Heier said Commissioner Hudkins has expressed concerns regarding licensing requirements and suggested that Building & Safety brief him prior to the public hearing.

10 A) BRIEFING ON THE PRESERVE AT CROSS CREEK; AND B) COUNTY FINAL PLAT NO. 03075, WYNDAM PLACE 1st ADDITION - Marvin Krout, Planning Director; Mike DeKalb, Planning Department; Brian Carstens, Brian D. Carstens & Associates

A) Briefing on The Preserve at Cross Creek

Mike DeKalb, Planning Department, gave an overview of County Change of Zone No. 211, Agricultural (AG) to Agricultural Residential (AGR) and County Preliminary Plat No. 02029, The Preserve at Cross Creek, which creates 15 lots for residential acreages on 76 acres at the northwest corner of South 68th Street and Roca Road in Lancaster County, Nebraska (Exhibit M). He said the application was filed prior to development of the Performance Based Standards and Overall Acreage Development Strategy by staff, with the assistance of the Acreage Resource Group, and said the presumption is denial because the property is not in an area shown for low density development in the Comprehensive Plan.

DeKalb disseminated a map, Acreage Development Performance Standards with Average Score for Specific Applications, and said the parcel has a raw score of -60 (Exhibit O). A score of +300 is proposed to be the trigger for a recommendation of approval for a change of zone to AGR. He said options include changing the threshold score or scoring variables or development of a gradual transition density (sliding scale) up to AGR, based upon the score (see table in Exhibit N).

Heier asked how the score of -60 was arrived at.

DeKalb said it was computer generated using a list of variables and values (see agenda packet).

Brian Carstens, Brian D. Carstens & Associates, said he arrived at a score of -50 using the point system that was released to the Acreage Resource Group in the fall. He said the application received a score of +700 using the point system that was originally presented to the Acreage Resource Group and said the group was not aware there was that big of a shift in the point system.

DeKalb said the revised matrix was presented to the Acreage Resource Group, but there was no vote. An alternative scoring method involving a 20/20/20 split was proposed at the October, 2003 City-County Common Meeting (up to 20% density for a score of 0-300 on a sliding scale; an additional bonus of up to 20% on a sliding scale for environmental protection; and an additional bonus of up to 20% for protection of High Value resources).

Heier asked whether a bonus could be given in recognition that the applicant asked for 15 lots, rather than the 27 lots allowed by AGR zoning.

Marvin Krout, Planning Director, said the change of zone would allow the applicant to submit a plat for 27 lots and said the Board would have to approve it, provided it meets Subdivision Regulations.

Heier disagreed, and requested a County Attorney's opinion.

Schorr said AGR zoning seems to fit this circumstance, given its close proximity to other AGR zoned property, paved roads and the Village of Hickman. She suggested there is a problem with the scoring system.

Krout said the threshold was set at 300, based on expected demand and supply.

DeKalb said the 1977 City-County Comprehensive Plan, showed more than 80 square miles of yellow (the color shown on the Lincoln/Lancaster County Land Use Plan Map that indicates a designation for acreage development), including an area along North 68th Street that connected Lincoln and the Village of Hickman. Those areas were eventually cut back to 22.5 square miles. The current Comprehensive Plan retains those areas and provides for a performance standard to look at something in between. He said the Board could give direction for more yellow or make the light pink area (shown as a score of 0 to 100 on the Acreage Development Performance Standards with Average Score for Specific Applications map) a higher rating. DeKalb said there are other alternatives: 1) AG cluster; 2) Farmstead exception (a split-off of a farmhouse in existence for more than five years, that passes minimum housing code and health inspection of septic system and well); and 3) Two, three acre parcels within a 40 acre parcel.

Krout said he believes AG clusters and two, three acre parcels within a 40 acre parcel best meet the goals of preserving agricultural land in the county and allowing for appropriate acreage development. He said opening it up from what was recommended may shift that balance.

Stevens said South 68th Street frequently has high traffic volumes and said he would prefer access off Roca Road.

Carstens said there will eventually be access to Roca Road and said the connection to 68th Street could be removed.

Stevens also expressed concern that the application "leapfrogs" other AGR zoning in the area and said there is plenty of AGR zoned land in the County that the applicant could have pursued.

B) County Final Plat No. 03075, Wyndam Place

Heier exited the meeting at 12:02 p.m., due to a conflict of interest.

DeKalb reviewed County Final Plat No. 03075, Wyndam Place, noting Wyndam Place 1st Addition was created to address a change in the common lot line between Lots 3 and 4 (the lots are replaced by Wyndam Place 1st Addition Lots 1 and 2) (Exhibit P).

Heier returned to the meeting at 12:07 p.m.

11 ACTION ITEMS

- A. Nebraska Association of County Officials (NACO) Southeast District Meeting in Beatrice, Nebraska (March 11, 2004)

Item deferred one week.

- B. Microcomputer Requests:
1. C#2004-060, \$5,241.02 from the Microcomputer Fund for Four (4) Pentium IV's, One (1) Laser Printer; and One (1) Printer Cable for County Clerk
 2. C#2004-061, \$6,312.54 from Emergency Management Budget for Three (3) Pentium IV's, Three (3) Monitors, Three (3) Old Monitor Disposal Fees, Three (3) DVD Readers and Three (3) Surge Suppressors
 3. C#2004-063, \$870.95 from Adult Probation Budget for Lotus Notes Desktop
 4. C#2004-064, \$1,073.77 from County Attorney Budget for WordPerfect II Suite Upgrade (10 Copies)

MOTION: Schorr moved and Heier seconded approval. Schorr, Heier and Stevens voted aye. Motion carried.

- C. Hiring Requests:
1. Records & Information Management - Imaging Specialist
 2. County Attorney - Legal Secretary II
 3. Lancaster Manor - Maintenance Electrician
 4. County Treasurer - Motor Vehicle Clerk

MOTION: Heier moved and Schorr seconded approval. Schorr, Heier and Stevens voted aye. Motion carried.

- D. Letters of Support of Lincoln Convention & Visitors Bureau (CVB) Bids on Nebraska School Activities Association (NSAA) State One-Act Play Contests and New Car Show by Promotion Publications, Inc.

MOTION: Heier moved and Schorr seconded approval. Schorr, Stevens and Heier voted aye. Motion carried.

12 ADMINISTRATIVE OFFICER REPORT

- A. Report on Larimer County, Colorado Agriculture Events Center and Fairgrounds

Item deferred.

- B. Request from Juvenile Court Judge Linda Porter for \$3,000 Stipend for Presiding Judge's Bailiff

The Board scheduled a salary adjustment for the bailiff on the February 17, 2004 Board of Commissioners Meeting agenda.

- C. Update on Questionable Claim from Families First & Foremost (F³) (PV 782-5000), \$242.00 for Holiday Cards

Mundt said she has reviewed the OMB Circular to see what costs are allowed and said the holiday cards appear to meet the definition of public relations in Circular A-87. She said she also spoke with Gwen Simpson, Grants Manager Specialist for the mental health grants, and was told the expense is allowable if there is a reference to social marketing or advertising in the grant application or budget. Mundt said she plans to seek further clarification from the State.

The Board scheduled the item as a questionable claim on the February 17, 2004 Board of Commissioners Meeting agenda.

The Board also asked Mundt to present information on this issue at a Management Team Meeting.

- D. Illegal Dumping Billboards

Eagan reviewed correspondence from Harry Heafer, Clean Community System Coordinator, suggesting a contest at the high school and college level for design of four new billboards relating to illegal dumping education (see agenda packet). He said a maximum award of \$200 is proposed.

Board consensus was to proceed, as outlined.

ADDITIONS TO THE AGENDA

A. County Audit Letter (Exhibit A)

MOTION: Heier moved and Schorr seconded to authorize the Chair to sign the letter. Heier, Schorr and Stevens voted aye. Motion carried.

B. Nebraska Emergency Management Grant Workshop (February 17, 2004)

MOTION: Heier moved and Schorr seconded to authorize Kerry Eagan, Chief Administrative Officer, to attend the workshop. Heier, Schorr and Stevens voted aye. Motion carried.

C. Domestic Violence Grant (Exhibit B)

MOTION: Schorr moved and Heier seconded to authorize Kit Boesch, Human Services Administrator, to submit the Domestic Violence Grant. Schorr, Heier and Stevens voted aye. Motion carried.

D. Lincoln Partnership for Economic Development (LPED) Funding Contribution

Stevens said the Board has been asked to increase its funding contribution to LPED.

Board consensus was to schedule discussion of the request with Jim Fram, Lincoln Chamber of Commerce President.

E. Tour of Community Blood Bank Building (2966 "O" Street) and Attention Center for Youth Building (2220 South 10th Street)

The Board scheduled the tour on February 24, 2004 at 9:30 a.m.

13 ADJOURNMENT

MOTION: Schorr moved and Heier seconded to adjourn the meeting at 1:13 p.m. Stevens, Schorr and Heier voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk